

Remarks

Claims 1-37 were presented for examination. Claims 1-37 were rejected and claims 1-19 were objected to. No amendments are presented herein.

It is noted that claimed subject matter may be allowable for additional reasons than discussed below; however, the following is believed to be sufficient. Likewise, it is noted that the Assignee's failure to comment directly upon any of the positions asserted by the Examiner in the office action does not indicate agreement or acquiescence with those asserted positions.

Double Patenting

The Examiner rejected claims 1-37 under 35 USC § 101 based on "same invention" type double patenting over claims 1-19 of application Serial Number 10/613,355 which is the parent application to which the present application claims priority as a continuation-in-part application. Furthermore, the Examiner objected to claims 1-19 of the present application as being a substantial duplicate of claims 1-19 of said application Serial Number 10/613,355. The rejection and the objection are hereby respectfully traversed for the reasons set forth, below.

Contrary to the Examiner's assertion, claims 1-37 of the present application do not conflict with, nor are they substantial duplications of, claims 1-19 of said application Serial Number 10/613,355. A careful comparison of the claims of both applications will reveal differences between the claimed subject matter. In the parent application, application Serial Number 10/613,355, the claimed subject matter is directed to a system in which *predistortion of an input signal occurs prior to decomposition of the signal*, for example as shown in FIG. 6 of the parent application:

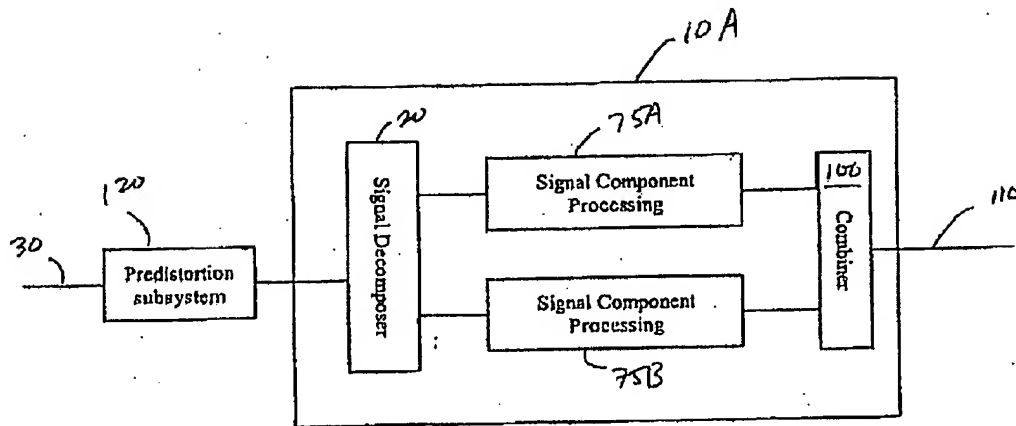


FIG 6

In contrast, the claimed subject matter of the present application is directed toward a system in which predistortion of the signal occurs after decomposition of an input signal, for example as shown in FIG. 7 of the present application:

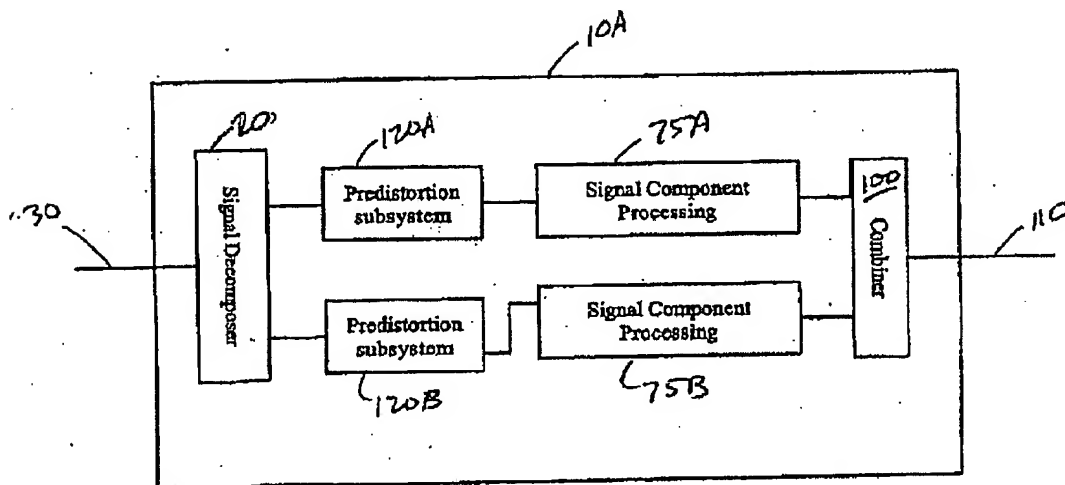


FIG 7

Thus, a comparison of FIG. 6 of the parent application with FIG. 7 of the present application should provide the context in which to compare the claims of the parent application with the claims of the present application as shown in the following claim chart:

Parent application (10/613,355)	CIP application (10/641,370)
1. A system for processing an input signal, the system comprising:	1. A system for processing an input signal, the system comprising:
<u>a predistortion subsystem for receiving said input signal and for producing a predistorted signal by applying a deliberate predistortion to said input signal;</u>	<u>a signal processing subsystem receiving and processing said input signal and producing a system output signal, and</u>
<u>a signal processing subsystem receiving and processing said predistorted signal and producing a system output signal, wherein</u>	<u>a predistortion subsystem receiving at least two internal input signals and producing at least two predistorted signals by applying a deliberate predistortion to said at least two internal input signals; wherein</u>
<u>said predistortion subsystem distorts said input signal to compensate for distortions in said system output signal;</u>	<u>said predistortion subsystem distorts said internal input signals to compensate for distortions in said system output signal;</u>
said signal processing subsystem decomposes said predistorted signal into separate components, each of said separate components being processed separately; and	said signal processing subsystem decomposes said input signal into separate components to produce said at least two internal input signals, each of said separate components being processed separately; and
said processing subsystem combines said components after processing to produce said system output signal.	said signal processing subsystem combines said predistorted signals after processing to produce said system output signal.

Thus, it can be seen that the claimed subject matter of the present application does not conflict with the subject matter of the parent application, nor is the claimed subject matter of the present application a substantial duplicate of claimed subject matter of the parent application. As a result, the claimed subject matter of the present application is not drawn to "identical subject" matter as the parent application, as required for a finding of

same invention type double patenting. In fact, the inventor of the subject matter, Aryan Saed, disclosed in the present application with respect to FIGS. 5A-5D how the effects of the distortion are dependent on the type of decomposition used:

FIGS. 5A-5D illustrate how the effects of distortion is dependent on the type of decomposition used.

See paragraph [0030] of the publication of the present application, US 2005/0003770 A1 published on January 6, 2005.

Thus, it is believed that a sufficient showing has been made to establish that the claimed subject matter of the present application is not identical to the claimed subject matter of the parent application, therefore the double patenting rejection and the objection should be withdrawn. Thus, since the claimed subject matter of the two applications has been shown not to be identical, any analysis under 35 U.S.C. §§ 102(g) or 102(f) is moot. If the Examiner believes and maintains that the subject matter of the two applications is identical, the Examiner is kindly invited to provide a reasoned comparison of the claims contrary to the comparison shown in the above claim chart. For example, the Examiner should perform a claims comparison in accordance with *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970) and MPEP § 804 II. A. Otherwise, absent such a reasoned showing and analysis from the Examiner, the rejection should be withdrawn.

Conclusion

In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested. Reconsideration of the present patent application and early allowance of all the claims is respectfully requested. Please charge any underpayments or credit any overpayments to Deposit Account No. 50-3703.

Invitation for a Telephone Interview

The Examiner is invited to call the undersigned attorney, Kenneth J. Cool, at (503) 439-6500 if there remains any issue with allowance.

Respectfully submitted,
ATTORNEY FOR ASSIGNEE

Date: April 27, 2006

/Kenneth J. Cool - Reg. No. 40,570/

Kenneth J. Cool
Reg. No. 40,570

Customer No. 43831
Berkeley Law & Technology Group, LLC
1700 NW 167th Place, Suite 240
Beaverton, OR 97006